

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(hunzeb01.034)

5 **Applicant:** Strategic Capital Network, LLC **Confirmation No:** 2465
 Application No: 10/561,095 **Group Art Unit:** 2123
 Filed: 12/16/2005 **Examiner:** Cabrera, Zoila
 10 **Title:** *Improved resource allocation techniques*

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15 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Response to a non-final Office action under 37 C.F.R. 111

20 **History of the prosecution**

The above patent application is the U.S. National phase of PCT/US04/19860, having the same inventors and title and filed 6/18/2004. PCT/US04/19860 claims priority from U.S. provisional patent application 60/480,097, filed 6/20/2003. A *Written Opinion* by Examiner Cabrera issued on 9 December 2004 in the PCT application. In her *Written*
 25 *Opinion*, Examiner Cabrera rejected claims 1,4,6-10, 13-26, and 33 as anticipated by U.S. published patent application 2003/0055756, Bernhardt, *Financial portfolio risk management*, filed June 25 2001 and published March 20, 2003, henceforth "Bernhardt" and therefore lacking novelty under PCT Article 33(2) and claims 5, 11, 12, 28-32 as obvious over the combination of Bernhardt and U.S. published patent application
 30 2002/0022988, Columbus, *System, method, and computer-readable medium containing instructions for evaluating and disseminating securities analyst performance information*, published Feb. 21, 2002 (henceforth "Columbus". Examiner Cabrera finally found that dependent claims 2, 3, and 27 did represent an inventive step over the references.

35 A *Demand* under PCT Chapter II was made in the PCT application on Jan. 19, 2005. A *Response to a Written Opinion* with amended claims accompanied the *Demand*. In the *Response*, Applicants traversed Examiner Cabrera's rejections based on anticipation by pointing out that Bernhardt disclosed nothing

whatever about the kind of analysis set forth in claim 1, the kind of optimization using scenarios set forth in claim 4, or the method of selecting assets set forth in claim 10. Applicants further pointed out that Columbus disclosed nothing about real options, and that the combination of Columbus with Bernhard consequently could not render claims 5,
5 11-12 and 28 obvious.

In the *International preliminary report on patentability* which was mailed on April 21, 2005, Examiner Cabrera maintained her rejections. In the first Office action in 10/561.095, Examiner Cabrera again maintained her rejections. Applicants are again
10 traversing the rejections and are adding claims dependent from claims 2 and 10 which further define the differences between Applicants' inventions and the references. Applicants are further requesting a telephonic interview on the basis of their traversal to discuss the rejections. An *Interview Request* form accompanies this response.

15 **Please amend the claims by adding new claims 34 and 35:**

(the status labels in the claims state the claims' status relative to the claims originally filed in the PCT application)